

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Randall S. Collier, *
*
Plaintiff, *
v. * Case No. 22-cv-00162-LM
*
James M. Carroll, et al., *
*
Defendants. *

**THE JUDICIAL DEFENDANTS' MOTION TO EXTEND
THEIR TIME TO ANSWER OR OTHERWISE PLEAD TO**

Defendants, Hon. James Carroll, Hon. Michael Garner, and the New Hampshire Judicial Conduct Committee (collectively, the “Judicial Defendants”), by and through the New Hampshire Office of the Attorney General as counsel, hereby move to extend their deadlines to answer or otherwise plead to October 24, 2022. The Judicial Defendants state as follows in support of this motion:

1. Defendant Carroll’s and Defendant Garner’s present deadline to answer or otherwise plead is September 22, 2022. Defendant NHJCC’s present deadline to answer or otherwise plead is September 28, 2022.
2. While the Judicial Defendants intend to file a motion to dismiss this action on a variety of different grounds, recent and ongoing litigation demands on the Judicial Defendants’ counsel in a variety of complex state and federal actions and appeals leave them presently unprepared to file the Judicial Defendants’ response to the complaint.
3. Based on those demands, which the Judicial Defendants’ counsel anticipate remaining high throughout the remainder of September and into at least the middle of October,

the Judicial Defendants are requesting that their responsive pleading deadline be extended and consolidated to October 24, 2022.

4. This requested extension will not result in the continuance of any hearing, conference, or trial, and no discovery plan is yet due in this matter. See L.R. 7.2(a).

5. As stated in the undersigned's Certificate of Good Faith Attempt to Obtain Concurrence below, the Judicial Defendants' counsel have attempted to obtain Plaintiff's concurrence in the relief sought herein in accordance with L.R. 7.1(c). Plaintiff has indicated to the Judicial Defendants' counsel that he does not assent to extending the Judicial Defendants' responsive pleading deadline.

6. This motion is not accompanied by a supporting memorandum because all supporting authority for the relief requested is cited herein. See L.R. 7.1(a)(2).

WHEREFORE, the Judicial Defendants respectfully request that the Court:

- A. Extend their deadline to answer or otherwise plead to October 24, 2022; and
- B. Grant such other and further relief as is just and equitable.

[intentionally left blank]

Respectfully submitted,

HON. JAMES CARROLL, HON. MICHAEL
GARNER, and THE NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Dated: September 22, 2022

By: /s/ Nathan W. Kenison-Marvin
Nathan W. Kenison-Marvin, Bar No. 270162
Assistant Attorney General
Civil Bureau
Office of the Attorney General
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3650
nathan.w.kenison-marvin@doj.nh.gov

CERTIFICATE OF GOOD FAITH ATTEMPT TO OBTAIN CONCURRENCE

Pursuant to Local Rule 7.1(c), I hereby certify that the Judicial Defendants' counsel made a good faith attempt to obtain concurrence in the relief sought in this motion.

/s/ Nathan W. Kenison-Marvin
Nathan W. Kenison-Marvin

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ECF on September 22, 2022, to all counsel and/or parties of record.

/s/ Nathan W. Kenison-Marvin
Nathan W. Kenison-Marvin